

**8-31 Determination That There Is or Has Been a Release (1200 TN 350 8-31)**

1. **AUTHORITY.** Pursuant to the Solid Waste Disposal Act, including Section 3008(h), to make determinations that there is or has been a release of hazardous waste into the environment at a facility authorized to operate under Section 3005(e) of the SWDA.
2. **TO WHOM DELEGATED.** Director, Land and Chemicals Division (LCD); and associate director, Office of RCRA Programs, LCD.
3. **LIMITATIONS.** The delegates must consult with the Regional Counsel before exercising this authority.
4. **REDELEGATION.**
  - a. This authority may be redelegated to the branch chief level and no further.
  - b. This authority may not be redelegated without formal amendment.
  - c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **REFERENCES.**
  - a. Section 3008(h) of the SWDA.
  - b. See the Chapter 8 Delegations titled:
    - i. Administrative Enforcement - Corrective Action Authority: Issuance Orders and Signing of Consent Agreements.
    - ii. Administrative Enforcement - Corrective Action: Agency Representation in Hearings and Signing of Consent Agreements.
    - iii. Administrative Enforcement - Agency Representation Hearings and Signing of Consent Agreements.
    - iv. Civil Judicial Enforcement Actions.
    - v. Criminal Enforcement Actions.
    - vi. Settlement or Concurrence in Settlement of Civil Judicial Enforcement Actions.
    - vii. Emergency Temporary Restraining Orders.
6. **SUPERSESSSION.** Delegations Manual, SWDA, Regional Delegation 8-31. Determination That There is or Has Been a Release, 1200 TN RIII-123, (June 24, 1998).

Date 3/19/2017  
Cecil Rodriguez  
Acting Regional Administrator